

104TH CONGRESS
1ST SESSION

H. R. 861

To amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under medicare.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1995

Mr. CUNNINGHAM (for himself and Mr. HUNTER) introduced the following bill, which was referred to the Committee on National Security and, in addition, to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under medicare.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Retiree and
3 Veteran Health Care Act of 1995”.

4 **SEC. 2. DEFINITION OF MEDICARE SUBVENTION FUNDING.**

5 Section 1072 of title 10, United States Code, is
6 amended by adding at the end the following new para-
7 graph:

8 “(7) The term ‘medicare subvention funding’
9 means funds or funding authority of any program
10 authorized under title XVIII of the Social Security
11 Act (42 U.S.C. 1395 et seq.), which is made avail-
12 able to a department or agency for the provision of
13 health care services, and wherein funds are provided
14 directly to a military treatment facility operated by
15 the Department of Defense or Department of Veter-
16 ans’ Affairs for the purpose of payment for care pro-
17 vided to authorized personnel treated in that par-
18 ticular facility; and further wherein the funds pro-
19 vided would otherwise be utilized for the same pur-
20 pose in a nonmilitary treatment facility.”.

21 **SEC. 3. MEDICAL AND DENTAL CARE FOR MEMBERS AND**
22 **CERTAIN FORMER MEMBERS.**

23 Section 1074(b) of title 10, United States Code, is
24 amended—

25 (1) by inserting “(1)” after “(b)”; and

1 (2) by adding at the end the following new
2 paragraphs:

3 “(2) If a member or former member eligible for care
4 under paragraph (1) is also eligible for health insurance
5 payments under title XVIII of the Social Security Act (42
6 U.S.C. 1395 et seq.), the member or former member shall
7 be entitled to and given medical and dental care in any
8 medical facility of any uniformed service. The facility of
9 the uniformed service that provides such care will recover
10 the cost for the care provided from medicare subvention
11 funding by direct billing of the appropriate program ad-
12 ministering the health insurance program defined under
13 title XVIII of the Social Security Act (42 U.S.C. 1395
14 et seq.) and appropriate for the particular recipient of the
15 care. Medicare subvention funding payments to the provid-
16 ing military treatment facility will be at fixed rates ap-
17 proved by the President.

18 “(3) Payments received by a military treatment facil-
19 ity or Department of Veterans’ Affairs facility for medical
20 services provided, whether the funds originated as Depart-
21 ment of Defense appropriated funds or from medicare sub-
22 vention funding shall be deposited to the credit of the op-
23 erating and maintenance fund of the particular medical
24 facility that provided the service, and as direct reimburse-
25 ment for services rendered; without any requirement of

1 equal or reciprocal reduction of the operating and mainte-
2 nance budget of the providing facility.”.

3 **SEC. 4. MEDICAL AND DENTAL CARE FOR DEPENDENTS.**

4 Section 1076(a) of title 10, United States Code, is
5 amended by striking out paragraph (1) and inserting in
6 lieu thereof the following new paragraph:

7 “(1) A dependent described in paragraph (2) is enti-
8 tled, upon request, to the medical and dental care pre-
9 scribed by section 1077 of this title in facilities of the uni-
10 formed services. If the dependent is also entitled to hos-
11 pital insurance benefits under title XVIII of the Social Se-
12 curity Act (42 U.S.C. 1395 et seq.), then the facility of
13 the uniformed service will still provide authorized care, but
14 will recover the cost for providing the care from medicare
15 subvention funding by direct billing of the appropriate
16 program administering the health insurance program de-
17 fined under that Act, and appropriate for the particular
18 recipient of the care. Medicare subvention funding pay-
19 ments to the providing military treatment facility will be
20 at fixed rates approved by the President; and will be used,
21 deposited, and credited as specified in section 1074 of this
22 title.”

1 **SEC. 5. CONFORMING AMENDMENT REGARDING MEDICARE**
2 **SUBVENTION FUNDING.**

3 Section 1086(d) of title 10, United States Code, is
4 amended by adding at the end the following new para-
5 graph:

6 “(4) A covered beneficiary who is entitled to hospital
7 insurance benefits under title XVIII of the Social Security
8 Act (42 U.S.C. 1395 et seq.), and who elects to receive
9 care in a military treatment facility, as authorized by sec-
10 tion 1076 of this title, may do so. The insurance benefits
11 of the Social Security Act may then be utilized to reim-
12 burse the military treatment facility for the care given,
13 in the manner and rate as specified in sections 1074(b)
14 and 1076(a)(1) of this title.”.

15 **SEC. 6. COLLECTION FROM THIRD-PARTY PAYERS.**

16 Section 1095 of title 10, United States Code, is
17 amended by striking out subsection (d) and inserting in
18 lieu thereof the following new subsection:

19 “(d) Collection may be made from any third-party
20 payer, including the appropriate program administering
21 the health insurance program defined under title XVIII
22 or XIX of the Social Security Act (42 U.S.C. 1395 et seq.)
23 pursuant to medicare subvention funding.”.

1 **SEC. 7. DETERMINATION OF INABILITY TO PROVIDE MEDI-**
2 **CAL AND DENTAL SERVICES.**

3 Section 1076 of title 10, United States Code, is
4 amended by striking out subsection (c) and inserting in
5 lieu thereof the following new subsection:

6 “(c) Medical or dental care may be denied to a person
7 who is otherwise eligible for such care at a military treat-
8 ment facility only if the senior officer-in-charge or com-
9 manding officer of the military treatment facility makes
10 a determination that the treatment facility, or subunit
11 thereof, cannot provide the particular care required. This
12 determination may be made, if, and only if, that particular
13 military treatment facility, or subunit thereof, does not,
14 at that particular time, have space or facilities available
15 to provide the treatment due solely to the then actual ex-
16 isting requirements to utilize all existing space or facilities
17 for active duty members; or does not, at that particular
18 time, and under any circumstances, provide the type of
19 care required. Authority to make such determination may
20 not be delegated. The administering Secretary will be ad-
21 vised immediately in all instances where a determination
22 to deny treatment, under this subsection, is made, with
23 a verifiable date as to when the restriction will be re-
24 moved.”.

1 **SEC. 8. MEDICARE PROCEDURE FOR PAYMENT OF CLAIMS**
2 **OF PROVIDERS OF SERVICES.**

3 (a) IN GENERAL.—Section 1835 of the Social Secu-
4 rity Act (42 U.S.C. 1395n) is amended by striking out
5 subsection (d) and inserting in lieu thereof the following:

6 “(d) PAYMENTS TO FEDERAL PROVIDER OF SERV-
7 ICES OR OTHER FEDERAL AGENCIES PROHIBITED.—Sub-
8 ject to sections 1880, 1890, and 1890A, no payment may
9 be made under this part (42 U.S.C. 1395j et seq.) to any
10 Federal provider of services or other Federal agency, ex-
11 cept a provider of services which the Secretary determines
12 is providing services to the public generally as a commu-
13 nity institution or agency; and no such payment may be
14 made to any provider of services or other person for any
15 item or service which such person or persons is obligated
16 by a law of, or a contract with, the United States to render
17 at public expense.”.

18 (b) EXCEPTION FOR MILITARY AND VETERANS
19 TREATMENT FACILITIES.—Title XVIII of the Social Secu-
20 rity Act is amended by inserting after section 1888 the
21 following:

22 **“SEC. 1890. MILITARY TREATMENT FACILITIES.**

23 “(a) ELIGIBILITY FOR PAYMENTS; CONDITIONS AND
24 REQUIREMENTS.—A military treatment facility operated
25 by a uniformed service of the Department of Defense shall
26 be eligible for payments under this title notwithstanding

1 sections 1814(c) and 1835(d) if and for so long as that
2 military treatment facility meets all of the conditions and
3 requirements for such payments which are applicable to
4 hospitals and skilled nursing facilities under this title.

5 “(b) DEFINITION.—Such payments under this sec-
6 tion shall be referred to as medicare subvention funding,
7 as that term is defined in section 1072(6) of title 10,
8 United States Code.

9 **“SEC. 1890A. DEPARTMENTS OF VETERANS AFFAIRS MEDI-**
10 **CAL TREATMENT FACILITY.**

11 “(a) ELIGIBILITY FOR PAYMENTS; CONDITIONS AND
12 REQUIREMENTS.—A medical treatment facility operated
13 by the Department of Veterans Affairs shall be eligible
14 for payments under this title notwithstanding sections
15 1814(c) and 1835(d) if and for so long as that medical
16 treatment facility meets all of the conditions and require-
17 ments for such payments which are applicable to hospitals
18 and skilled nursing facilities under this title.

19 “(b) DEFINITION.—Such payments under this sec-
20 tion shall be referred to as medicare subvention funding,
21 as that term is defined in section 1072(6) of title 10, Unit-
22 ed States Code.”.

○